

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

1  
2 Mar 21, 2023  
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SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BENJAMIN KARL SMITH,  
also known as Bunton,

Plaintiff,

v.

GREYHOUND BUS LINES DOT, and  
SPOKANE POLICE DEPARTMENT,

Defendants.

NO: 2:23-CV-0003-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BEFORE THE COURT is Plaintiff Benjamin Karl Smith's Motion to  
Voluntarily Dismiss Complaint, ECF No. 12. Because Defendants have neither filed  
an answer nor moved for summary judgment, Plaintiff has an absolute right to  
voluntarily dismiss this case. Fed. R. Civ. P. 41(a)(1)(A)(i).

Although granted the opportunity to do so, Plaintiff did not file a separate  
Motion and Affidavit (or declaration under penalty of perjury) to waive collection  
of the remaining balance of the filing fee as directed. Therefore, Plaintiff still is

1 obliged to pay the full \$350.00 filing fee for this action pursuant to 28 U.S.C. §  
2 1915(b).

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 All claims and causes of action in this matter are **DISMISSED** without  
5 prejudice and without costs or fees to any party.

6 The District Court Executive is directed to enter this Order and Judgment  
7 accordingly, and furnish copies to Plaintiff, and **CLOSE** the file.

8 **DATED** March 21, 2022.



A handwritten signature in blue ink that reads "Thomas O. Rice".

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10 THOMAS O. RICE  
11 United States District Judge  
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